

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

SEPTEMBER 17, 2002

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, September 17, 2002 at 9:00 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 9:00 a.m. by Chairman ARTHUR SLATTERY.

Present: Commissioners ARTHUR SLATTERY, MARTIN SMITH, BARBARA HEATH, PAULINE IKAWA, NANCY LeRoy, Executive Director BETH EMMONS, and Investigator ANN FLANAGAN.

- I. Motion by Commissioner SMITH, seconded by Commissioner HEATH, to approve and accept the minutes of the Commission meeting held on August 20, 2002.

- II. APPOINTMENTS

9:00 a.m. - Equivalency Interviews - NONE

- III. DISCUSSION

MARIE PACETTA OF PACE GROUP submitted materials requested by the Commission at its meeting of August 20, 2002. After review and discussion of the consultant contract submitted by Ms. Pacetta, the Commission felt that the contract indicated that there was a relationship between the fee earned and the overall value of the transaction including the real estate. The Commission requested Ann Flanagan, the Commission's Investigator to request additional information from Ms. Pacetta, so that they can make a determination.

ANTHONY C. MARTS, attorney for Stephen Weeks, submitted a Request for Reconsideration and Clarification of Complaint File No. 2001-06-03 Bradley Steusloff vs. Stephen Weeks. After review and discussion, the Commission prepared an Answer to Attorney Marts request for Findings of Facts and Rulings of Law, and unanimously denied the Request for Reconsideration of the Commission's decision on File No. 2001-06-03. Attorney Marts to be so notified.

- IV. OTHER BUSINESS

1. Tuesday, October 15, 2002, was unanimously approved as the date for the next regular meeting.

2. CASE EVALUATIONS

- (a) **FILE NO. 2001-04-03**

Evaluator: Commissioner SLATTERY

Determination: Should be heard, hearing to be scheduled. In the alternative, the Commission

unanimously approved to offer the Respondent a Settlement Agreement with a disciplinary fine in the amount of \$250.00.

(b) **FILE NO. 2002-03-02**

Evaluator: Commissioner HEATH

Determination: Should be heard, hearing to be scheduled. In the alternative, the Commission unanimously approved to offer the Respondent a Settlement Agreement with a disciplinary fine in the amount of \$100.00.

(c) **FILE NO. 2002-04-02**

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(d) **FILE NO. 2002-04-03**

Evaluator: Commissioner SLATTERY

Determination: No violation, should not be heard.

(e) **FILE NO. 2002-04-04**

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(f) **FILE NO. 2002-04-05**

Evaluator: Commissioner IKAWA

Determination: No violation, should not be heard.

(g) **FILE NO. 2002-07-01**

Evaluator: Commissioner SLATTERY

Determination: No violation, should not be heard.

The above determinations were unanimously approved.

✓. **HEARING 9:30 AM**

**FILE NO. 2001-08-01 JUDITH O. THAYER VS MARSHA ROGERS, ROBERT PHILLIPS,
ROSE MARIE PHILLIPS, ROBERT SCARPONI AND LINDA WHEELER**

Evaluator: Commissioner Ikawa

The following persons were present at the hearing:

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COMMISSION MEETING
SEPTEMBER 17, 2002

Commission: Commissioners MARTIN SMITH, BARBARA HEATH, NANCY LeRoy, Executive Director BETH EMMONS and Investigator ANN FLANAGAN.

Stenographer: Barry Nolin

Gerard J. Nolin & Associates, LLC
P.O. Box 1088
Concord, NH 03302-1088

Evaluator: Commissioner IKAWA evaluated the above matter and abstained from participation in the discussion and resulting decisions. Commissioner SLATTERY was a recused member and abstained from participation in the discussion and resulting decisions.

Complainant: Judith O. Thayer

232 North Street
Manchester, NH 03104

Attorney-In-Fact: Theodore Kamasinski

Respondents: Marsha N. Rogers

207 Hooksett Road
Manchester, NH 03104

Robert S. Phillips

956 Straw Hill Road
Manchester, NH 03105

Rose Marie Phillips

Carlson GMAC Real Estate
18 Commerce Way
Woburn, MA 01801

Robert Scarponi

Carlson GMAC Real Estate
18 Commerce Way
Woburn, MA 01801

Linda Wheeler

Carlson GMAC Real Estate
1889 Elm Street
Manchester, NH 03104

Attorney: George R. Moore, Esq.

DECISION: Pending - subject to review of transcripts and exhibits.

VI. HEARING 2:20 PM

FILE NO. 2002-09-03 NH REAL ESTATE COMMISSION VS LANE D. RAICHE

The following persons were present at the hearing:

Commission: Commissioners ARHTUR SLATTERY, MARTIN SMITH, BARBARA HEATH, PAULINE IKAWA, NANCY LeRoy, Executive Director BETH EMMONS and Investigator ANN FLANAGAN.

Stenographer: Barry Nolin

Gerard J. Nolin & Associates, LLC
P.O. Box 1088
Concord, NH 03302-1088

Complainant: N.H.R.E.C. through its Investigator Ann Flanagan

Attorney: Pro Se

Witnesses: Henry Champagne & Andre Boucher

Respondent: Lane D. Raiche (Failed to Appear)

491 Maple Street
Manchester, NH 03104

Attorney: None

DECISION: Pending – subject to review of transcripts and exhibits.

VII. HEARING 2:50 PM

FILE NO. 2001-10-06 NH REAL ESTATE COMMISSION VS SUSAN P. ROEMER & SHILA DUFFY (BUYERS CHOICE REALTY)

The following persons were present at the hearing:

Commission: Commissioners MARTIN SMITH, BARBARA HEATH, PAULINE IKAWA, NANCY LeRoy, Executive Director BETH EMMONS and Investigator ANN FLANAGAN.

Stenographer: Barry Nolin

Gerard J. Nolin & Associates, LLC
P.O. Box 1088
Concord, NH 03302-1088

Evalutator: Commissioner SLATTERY evaluated the above matter and abstained from participation in the discussion and resulting decisions.

Complainant: N.H.R.E.C. through its Investigator Ann Flanagan

Attorney: Pro Se

Respondents: Susan P. Roemer

32 Longview Drive
Bow, NH 03304

Shila Duffy

Buyers Choice Realty
7 Elm Street
Andover, MA 01810

Attorney: Pro Se

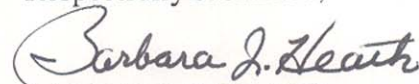
Witnesses: Pat Rioux

DECISION: Pending - subject to review of transcripts and exhibits.

VIII. ADJOURNMENT

Motion by Commissioner IKAWA, seconded by Commissioner LeRoy to adjourn the meeting. Acting Chairman SMITH adjourned the meeting at 3:15 p.m.

Respectfully submitted,


BARBARA J. HEATH
Clerk